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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,244	06/29/2001	Michael Wayne Brown	AUS920000711US1	8612
7590 David Victor, Esq 315 South Beverly Dr., Ste. 210 Beverly Hills, CA 90212			EXAMINER TRAN, HAI	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/895,244

Applicant(s)

BROWN ET AL.

Examiner

Hai Tran

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15, 17-30 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) 14, 16, 31, and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-30 and 32-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The Examiner for this application has been changed. Please indicate Examiner Hai Tran as the Examiner of record in all future correspondences.
2. This is the **Final Office Action** in response to Applicant's amendment filed on June 27, 2007.
3. Claims 14, 16, 31, and 45 have been cancelled. Claims 1-13, 15, 17-30, and 32-44 are pending in this application and have been examined.

### ***Claim Rejections - 35 USC § 112***

4. Applicant's amendment of claims 1-45 has overcome the rejection under 112, second paragraph. The rejection is withdrawn.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-13, 15, 17-30, and 32-44 have been considered but they are not persuasive.
6. **Regarding claims 1, 18, and 32:**
7. Applicant asserts that the cited references in section 2, paragraph 2 and section 1, paragraph 3 of Gans fail to teach displaying a calendar feature for a time period showing available time slots. Applicant argues that because Gans mentions that bids are at half-hour increments, and thus it teaches away from determining available time slots in a user calendar for periods for which bids may be submitted. Applicant further

argues that if the bid is for half hour increments, then there would be no need to look at a calendar of the user to determine available time slots for bidding because the bidding would be done for every half hour period.

8. The Examiner respectfully disagrees. The Examiner begins by noting that the rejection to claims is on the prior art as a whole and not just the cited portions. As such Examiner points to page 3 of Gans, where it says "prices for different times of the day or periods of the year and ... over the course of the year ... can only be called during certain periods, such as peak times" in paragraph 1, "the hours in which option can be cancelled" in paragraph 8, and "length of contract" in paragraph 9. These clearly show that Gans teaches features affecting a user to determine the available time periods for which bids may be received. The Examiner notes that a user cannot receive another bid, or cannot fulfill another bid, if the existing contract is not expired, and the "length of contract" apparently affects a user to determine when he or she can receive another bid.

9. Applicant further asserts that second cited reference (Calabria) fails to teach or suggest how to use a calendar to determine available time slots for which bids may be received. The Examiner respectfully disagrees. Examiner points to page 138 of Calabria, where it says "Time – Set the duration of the calendar entry by setting ...". This clearly shows that Calabria teaches users to set the time periods which they want to begin and end.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to easily add calendar feature taught by Calabria to Gans since Gans already

has some calendar feature to calculate which day and time the bid is for. It is apparent that one would be motivated to have the flexibility and accurately in specifying services for auction. Therefore, the Examiner is satisfied that a combination of the references discloses Applicant's invention as claimed. It is the determination of the Examiner that the rejections to claims 1, 18, and 32 in the 2/27/2007 Office Action are valid and applicable, and hence the rejections remain stayed.

**11. Regarding claims 9, 26 and 40:**

12. Applicant argues that Gans does not teach expiration of the bidding period. The Examiner respectfully disagrees. The Examiner points to page 3 of Gans, paragraphs 1 ("strike prices for different times of the day or periods of the year"), paragraph 4 ("availability of particular generating sets"), paragraph 6 ("the amount of capacity for which the contract can be called"), paragraph 7 ("maximum and minimum takes"), paragraph 8 (the hours in which the option can be called"), and paragraph 9 ("length of contract"). These features clearly show that Gans teach expiration of the bidding period. It is the determination of the Examiner that the previous rejection is valid and hence remains stayed.

**13. Regarding claims 10, 27, and 41:**

14. Applicant argues that Calabria fails to teach calendar provide calendaring information and as well as being used to determine available time slots. The Examiner respectfully disagrees. The Examiner points to page 140 of Calabria, figure 22.2 where it clearly shows calendaring information (see left hand column "After checking ...", "Lists other available ...", "Two schedule ...", and "Use the legend to identify ...") and

indicating available time slots (see right hand column "Change the time here ...").

These feature clearly show that Calabria teach both calendaring information and indicating available time slots. The Examiner determines that the previous rejection is valid and hence remains stayed.

**15. Regarding claims 11, 28, and 42:**

16. Applicant argues that Calabria fails to teach modifying and adding scheduled event records limits available time slots. The Examiner respectfully disagrees. The Examiner points to page 142 and figure 22.3 of Calabria where it gives a user an option to alternate or change the invitation. The Examiner notes that changing the schedule would limit the available time slot is the same as the inventor's modifying scheduled event records limits available time slot. The Examiner determines that the previous rejection is valid and hence remains stayed.

**17. Regarding claims 13, 30, and 44 and 12, 29, and 43:**

18. Applicant argues that Calabria fails to teach not displaying the description of the scheduled event when unavailable. The Examiner respectfully disagrees. As explained in the previous Office Action, Calabria teaches providing a description of a calendar event and if unavailable there will no description. The Examiner is satisfied that the previous rejection is still valid and hence remains stayed.

**19. Regarding claim 15:**

20. Applicant argues that the previous Office Action rejected claim 15 based on the rationale provided in claim 1 which is inadequate because claim 15 has a little different limitation than claim 1. Claim 15 requires that bids for a service to be performed at

available time slots that are void of a scheduled event. While the Examiner agrees with the Applicant that claim 15 has a little different limitation than claim 1, it should be noted that the previous Office Action rejected the claims is on the prior art as a whole and not just the cited portions. As such Examiner points to Calabria, page 140 where it says "view the free time of the invitees ... find free time for all invitees" and figure 22.2, these clearly show that Calabria teach the feature as that in claim 15 of the Applicant as that the meeting (service) is to be hold (performed) at the inviter and invitees' free time (available time slots that are void) of their daily event (schedule event) for the inviter and invitees (users). Hence, the previous rejection is still valid and remains stayed.

21. It is further the determination of the Examiner that the rejections for other claims in the previous Office Action are valid and hence remain stayed. It is the position of the Examiner that one of ordinary skill in the art at the time of the invention could have reasonably concluded, based on the teachings of Gans and Calabria, to combine the auctioning method as taught by Gans with the personal information management of Calabria. The motivation is clear that one would combine the references to gain the flexibility and accurately in specifying services for auction.

22. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1-13, 15, 17-30, and 32-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gans (article "Contracts and electricity pool prices") in view of Calabria (Lotus Notes 4.5 and the Internet by Jan Calabria with Sue Plumley).

25. **Re claim 1: Gans discloses:**

26. A method for implementing an auction, (see Gans, "pool market ") comprising:  
receiving a request for bid during a indicated time period (see Gans, section 2, 2nd paragraph, "pool prices will vary each half hour"),

receiving a bid (see Gans, section1, 3rd paragraph, "by writing contracts"),

Although Gans does not specifically have an calendar feature it is assumed that with "half hour" increments there must be some calendar or system to calculated which day and time the bid is for, more specifically Calabria teaches an "electronic calendar for inviting others" (Page 137-142, specifically 139).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add calendar feature as taught in Calabria to Gans.



It is clear that one would be motivated to have flexibility and accurately in specifying services for auction.

**27. Re claim 2: Gans discloses:**

28. Multiple bids per time slot may be submitted (see Gans, section1, 2nd paragraph "half-hourly bids" – the fact that it is plural "bids" and not "bid" indicates multipul).

**29. Re claim 3: Gans discloses:**

30. Determining and accepting most favorable bid in before expiration of bidding period (see Gans, section1, 2nd paragraph "highest price pay" indicates accepting most favorable).

**31. Re claim 4: Gans discloses:**

32. Notify user and originator of accepted bid & storing accepted bid (see Gans, section1, 2nd paragraph "generator received the system marginal price").

**33. Re claim 5: Gans discloses:**

34. Frequency indicating multiple bids per time period

35. Determining and accepting most favorable multiple bids in before expiration of bidding period (see Gans, "half-hour" time periods and "highest price pay". indicates accepting most favorable).

**36. Re claim 6: Gans discloses:**

37. Indicates a time period during which the highest bid will be accepted (see Gans, "half-hour" time periods).

**38. Re claim 7: Gans discloses:**

39. Time interval is capable of comprising a day, a week, and a month (see Gans, "half-hour" time periods, multiple ones could add up to a day week or month).

**40. Re claim 8: Gans discloses:**

41. Most favorable bid comprises a lowest amount bid (see Gans, section1, 2nd paragraph "generator received the system marginal price").

**42. Re claim 9: Gans discloses:**

43. Accepting each bid having the highest bid amount (see Gans, section1, 2nd paragraph "highest price pay" indicates accepting most favorable).

**44. Re claim 10: Calabria discloses:**

45. Scheduled event records used by a PIM (personal information manager) (see Calabria, page 139).

**46. Re claim 11: Calabria discloses:**

47. User can modify, add or further limit scheduled event records (see Calabria, page 139).

**48. Re claim 12: Calabria discloses:**

49. Template displays time slots (see Calabria, page 138, figure 22.1, "Time") Re claim 13: Calabria discloses:

50. Scheduled event record provides a description of scheduled event, if unavailable no description (see Calabria, page 138, figure 22.1, "Brief description").

51. **Re Claim 15:**

52. The method claim 1 is similar to claims 15. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 15 is rejected based on the information provided regarding claim 1.

53. **Re Claim 17:**

54. The method claim 3 is similar to claim 17. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claim 17 is rejected based on the information provided regarding claim 3.

55. **Re Claims 18-30, 32-44:**

56. The method claims 1-14 are similar to the system claims 18-30 and article of manufacturing claims 32-44. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claims 18-30 & 32-44 are rejected based on the information provided regarding claims 1-14.

***Conclusion***

57. Claims 1-13, 15, 17-30, and 32-44 are rejected.

58. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

59. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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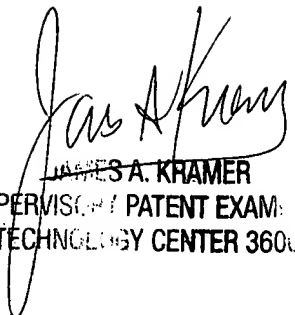
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7364. The examiner can normally be reached on M-F, 9-4 PM.

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

62. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT

 9-12-07  
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